

functions to be carried out under a consortium agreement between the institution and one or more such institutions located within a reasonable commuting distance.

(e) All services must be readily accessible to all veterans served by the project.

(20 U.S.C. 1070e-1)

#### Subpart C—How Does One Apply for a Grant?

##### § 629.21 Application requirements.

(a) Each application must contain the following information:

(a) Data showing that the institution is eligible for assistance.

(b) Information that shows the amount of the payment to the applicant would be entitled.

(c) An assurance that the institution will expend during the award period for all academically-related programs of the institution, in terms of either total or per student expenditure, at least the average amount expended during the preceding three academic years.

(20 U.S.C. 1070e-1)

#### Subpart D—How Does the Secretary Make A Grant?

##### § 629.31 Calculation of cost-of-instruction payments.

(a) The Secretary determines a grantee's cost-of-instruction payment based on the following institutional data:

(1) the number of qualified undergraduate veteran students who are receiving vocational rehabilitation subsistence under chapter 31 of title 38, United States Code, or educational assistance under chapter 34 of title 38, United States Code, and to whom services required under the terms of a grant will be reasonably accessible.

For students meeting this requirement, a grantee will receive the following payments:

(i) \$300 per full-time student.

(ii) \$225 per three-quarter-time student.

(iii) \$150 per half-time student.

(2) The number of qualified undergraduate veteran students who have ever received educational assistance under subchapter V or subchapter VI of chapter 34 of title 38 or who have a service-connected disability as defined in Section 101(16) of title 38, United States Code, and to whom the services required under the terms of a grant will be reasonably accessible. For students meeting this requirement, a grantee will receive the following payments:

(i) \$150 per full-time student.

(ii) \$112.50 per three-quarter-time student.

(iii) \$75 per half-time student.

(b) No payments will be made to grantees for students who are not full-time, three-quarter-time, or half-time students.

(c) The maximum payment in any fiscal year to any institution of higher education, or any branch thereof located in a different community is \$75,000.

(d) Funds which become available as a result of the limitation on payments described in paragraph (b) of this section shall be apportioned so that all institutions to which VCIP payments are to be made will receive a minimum of \$9,000, and then in excess of \$9,000, to the extent that funds remain available. No grantee shall receive funds in excess of the amounts calculated according to paragraph (a) of this section.

(e) Funds appropriated will be apportioned so that each grantee will receive one payment based on the grantee's enrollment data.

(f) Funds obligated to an individual institution which are later deobligated shall be reallocated proportionately to grantee institutions at a later date.

(20 U.S.C. 1070e-1)

#### Subpart E—What Conditions Must Be Met by a Grantee?

##### § 629.41 Expenditure requirements.

(a) At least (1) 90 percent of the funds awarded to an institution or (2) the amount of funds needed to implement the required services, whichever is greater, shall be used by the institution to implement these services. Any remaining awarded funds must be used solely to defray instructional expenses in academically related programs.

(b) The grantee must engage in all activities listed in § 629.11, except as provided in § 629.11(c) and (d).

(c) VCIP funds may be used to pay for travel expenditures only if such expenditures are incurred by the grantee in connection with recruitment and outreach activities, attendance at Department-sponsored meetings providing technical assistance, and attendance at Department approved professional meetings.

(d) A proposed budget for the operation of the Office of Veterans' Affairs must be submitted to the Department within 90 days of receipt of the Notice of Award specifying the institution's share of funds in any fiscal year.

(20 U.S.C. 1070e-1)

[FR Doc. 80-40427 Filed 12-29-80; 8:45 am]

BILLING CODE 4000-01-M

#### 34 CFR Part 651

##### Training in the Legal Profession

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking.

**SUMMARY:** The Secretary of Education issues proposed regulations for the Legal Profession Training Program. The proposed regulations authorize awards to assist individuals from disadvantaged backgrounds to undertake training for the legal profession. The proposed regulations cover eligible activities and costs under the program.

**DATES:** Interested persons are invited to submit comments, suggestions, or objections regarding the proposed regulations on or before March 2, 1981.

**ADDRESSES:** Written comments should be addressed to Donald Bigelow, Chief, Graduate Training Branch, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 3060, ROB-3), Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Donald M. Bigelow, Telephone: (202) 245-2347.

**SUPPLEMENTARY INFORMATION:** The Legal Profession Training Program is designed to help admit to accredited law schools disadvantaged students who, but for the program, would not have been admitted and to assist these students in obtaining a legal education and law degree. The program funds preliminary training to prepare students for law school, counseling and related services, and stipends to help support the students during both their preliminary and law school training.

Since its inception, the program has been carried out through a non-competitive award to the Council on Legal Educational Opportunity (CLEO), a non-profit private agency. With substantial funding from other sources, CLEO started the program before it was authorized in the Higher Education Act. The program has been popularly known as the "CLEO Program."

The proposed regulations authorize the Secretary to continue to carry out the program through an award to CLEO, consistent with the legislative history of the statute. [H.R. Rep. No. 96-520, 96th Cong. 1st Sess. 55 (1979); S. Rep. No. 96-733, 96th Cong. 2d Sess. 72 (1980)]. As called for by the statute, the proposed regulations also supply criteria for identifying eligible individuals from disadvantaged backgrounds and provisions on eligible activities.



**Invitation to Comment:**

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before (the 60th day after publication of this document) will be considered in the development of the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3060 ROB-3, 7th Street, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

**Assessment of Educational Impact:**

The Department particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

**Citation of Legal Authority:**

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: December 22, 1980.

Shirley M. Hufstetler,  
Secretary of Education.

The Secretary of Education proposes to amend Title 34 by adding a new Part 651 to read as follows:

**PART 651—TRAINING IN THE LEGAL PROFESSION****Subpart A—General**

Sec.

651.1 Training in the Legal Profession.

651.2 Eligible parties.

651.3 Regulations that apply to this program.

651.4 Definitions.

**Subpart B—What Kinds of Activities Does the Secretary Support Under This Program?**

651.10 What kinds of support does the program provide?

651.11 What activities are eligible for support?

**Subpart C—[Reserved]****Subpart D—How Is an Award Made?**

651.20 How does the Secretary select an award recipient?

**Subpart E—What Conditions Must Be Met by an Award Recipient?**

651.30 What are the limitations on allowable costs?

Authority: Part D of Title IX of the Higher Education Act of 1965, as amended by Sec. 904 of Pub. L. 96-374, 94 Stat. 1486-87 (20 U.S.C. 1134l).

**Subpart A—General****§ 651.1 Training in the Legal Profession.**

(a) The Legal Profession Training Program assists individuals from disadvantaged backgrounds to undertake training for the legal profession.

(b) The program is designed to help admit to accredited law schools disadvantaged students who, but for the program, would not have been admitted, and to assist these students in obtaining a legal education and law degree.

(20 U.S.C. 1134l)

**§ 651.2 Eligible parties.**

(a) Public and private agencies and organizations other than institutions of higher education may receive grants or contracts under these regulations.

(b) The Secretary may implement this program through the award of a single grant or contract.

(c) Unless the Secretary implements the program through one or more procurement contracts or through a single noncompetitive grant, applications will be invited annually through an application notice published in the Federal Register.

(20 U.S.C. 1134l(a))

**§ 651.3 Regulations that apply to this program.**

(a) *Regulations for procurement contracts.* The following regulations apply to any procurement contract under the Legal Profession Training Program:

(1) Federal and U.S. Department of Education procurement regulations in 41 CFR Chapters 1 and 34; and

(2) The regulations in this Part 651.

(b) *Regulations for grants.* The following regulations apply to any grants under the Legal Profession Training Program:

(1) The Education Division General Administrative Regulations (EDGAR) in Part 75 (Direct Grant Program) and Part 77 (General).

(2) The regulations in this Part 651.

(20 U.S.C. 1221e-3)

**§ 651.4 Definitions.**

As used in these regulations—

(a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1221e-3)

(b) "Disadvantaged Backgrounds" are backgrounds that hinder individuals from gaining admission to law school

and completing a course of legal study, including:

(1) Family income dependent in whole or in part on public assistance or inadequate to provide for needs beyond basic necessities such as food, housing and clothing;

(2) Rural isolation;

(3) Limited English proficiency as defined in section 703(a)(1) of the Bilingual Education Act (20 U.S.C. 880b-1(a)(1)); or

(4) Attendance at a minority group isolated school, as defined for purposes of the Emergency School Aid Act in § 185.02(g) of this chapter; or

(5) Other cultural or educational deprivations resulting from an environment that failed to develop skills and understandings that would enable an individual to gain admission to law school and complete a legal course of study.

(20 U.S.C. 1221e-3)

**Subpart B—What Kinds of Activities Does the Secretary Support Under this Program?****§ 651.10 What kinds of support does the program provide?**

The program provides financial support for activities that assist individuals from disadvantaged backgrounds in obtaining a legal education.

(20 U.S.C. 1134l(a))

**§ 651.11 What activities are eligible for support?**

The following activities are eligible for support under a grant or contract awarded under these regulations:

(a) Selecting individuals from disadvantaged backgrounds for training for the legal profession, including disseminating information about the program to eligible students;

(b) Making arrangements with accredited law schools to arrange entry of participating students into these schools;

(c) Providing counseling and related services—both prior to and during law school training—designed to assist participating students in preparing for and completing law school training;

(d) Providing preliminary legal education training for participating students to prepare them for law school.

(1) Preliminary training may include, but need not be limited to, orientation of students to the legal process, the epistemology of law, and law school learning methods; evaluation of the law school potential of students; and development of students' legal reading, research, and writing skills.



(2) Preliminary training may be provided for participating students not more than six months prior to their commencement of law school courses; and

(e) Stipends to participating students for any period of preliminary training and for the period of law school training, as provided in § 651.30.

(20 U.S.C. 1134l(b))

#### Subpart C—[Reserved]

#### Subpart D—How is an Award Made?

##### § 651.20 How does the Secretary select an award recipient?

(a) The Secretary decides to make one or more awards and selects the award recipient(s) based on a judgment of what arrangements most effectively contribute to the purposes of Title IX-D of the Act.

(b) The Secretary may decide to make a non-competitive award to implement the program if—in the Secretary's judgment—there is one eligible organization that is exclusively or predominantly qualified to carry out effectively the purposes of Title IX-D of the Act in the light of its legislative history. If a noncompetitive contract award is made, the decision will be made in accordance with 41 CFR Chapter 34.

(20 U.S.C. 1221e-3; 1134l)

#### Subpart E—What Conditions Must Be Met By an Award Recipient?

##### § 651.30 What are the limitations on allowable costs?

(a) Allowable costs under an award are direct and indirect costs incurred by the award recipient in carrying out the approved project.

(b) Allowable costs include, but are not limited to:

(1) Administrative costs of the award recipient in carrying out the eligible activities described in § 651.11.

(2)(i) Stipends for participating students, including allowances for travel and for dependents of participating students—during any period of preliminary training—or for the period of law school training during which the student maintains satisfactory academic progress, as determined by the Secretary.

(ii) The Secretary annually may set limits on the amount of stipends.

(20 U.S.C. 1134l(b))

[FR Doc. 80-40428 Filed 12-29-80; 8:45 am]

BILLING CODE 4000-01-M

#### 34 CFR Part 690

##### Pell Grant Program

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Rulemaking: Cross-reference.

**SUMMARY:** The Secretary proposes regulations for the Pell Grant Program in Title 34 of the Code of Federal Regulations.

The text of the regulations on which the Secretary invites comments are published in the Rules and Regulations section of this issue of the Federal Register. They have been adopted as final regulations and will govern this program until the Secretary issues new regulations based on public comment.

**DATES:** All comments, suggestions, or objections must be received on or before March 2, 1981.

**ADDRESSES:** Comments should be addressed to: William L. Moran, Chief of the Policy Section, Basic Grant Branch, and Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue SW. (Room 4318, ROB-3), Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Mr. William L. Moran, Telephone: (202) 472-4300.

**INVITATION TO COMMENT:** For additional details on how to comment, see the Preamble of the final regulations for these programs published in this issue of the Federal Register.

(Catalog of Federal Domestic Assistance Numbers 84.063, Pell Grant Program)

Dated: December 22, 1980.

Shirley M. Hufstetler,  
Secretary of Education.

[FR Doc. 80-40429 Filed 12-29-80; 8:45 am]

BILLING CODE 4000-01-M

#### 34 CFR Part 206

##### Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program and College Assistance Migrant Program

**AGENCY:** Department of Education.

**ACTION:** Proposed regulations.

**SUMMARY:** The Secretary proposes regulations to govern grants under the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP). These programs provide grants to institutions of higher education for projects of educational and supporting services designed to assist students—whose families are

engaged in migrant and other seasonal farmwork—in obtaining the equivalent of a secondary school diploma and in successfully adjusting to postsecondary school. These programs implement Title IV, Section 418A, of the Higher Education Act (HEA), as amended by the Education Amendments of 1980.

**DATES:** Comments must be received on or before March 2, 1981.

**ADDRESSES:** Comments should be addressed to Mr. Vidal A. Rivera, Jr., Deputy Assistant Secretary for Migrant Education, Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW. (ROB-3, Room 3608), Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Mr. Vidal A. Rivera, Jr. Telephone No. (202) 245-2222.

##### SUPPLEMENTARY INFORMATION:

###### Background

The High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP) were previously authorized under Title III, section 303(c)(2), of the Comprehensive Employment and Training Act (CETA) (Pub. L. 93-203), and were administered by the Department of Labor. However, the Department of Education Reorganization Act (Pub. L. 96-88) transferred the authority for the administration of HEP and CAMP to the Department of Education (ED).

On October 3, 1980, the Education Amendments of 1980 (Pub. L. 96-374) became law. These amendments provide a new Title IV of the Higher Education Act (Pub. L. 89-329), entitled "Student Assistance." Title IV, HEA, now includes a new Part A, Subpart 5, entitled "Student Assistance." Title IV, HEA, now includes a new Part A, Subpart 5, entitled "Special Programs For Students Whose Families Are Engaged In Migrant and Seasonal Farmwork," which authorizes the HEP and CAMP programs.

In summary, these proposed regulations—

(a) Describe the types of projects that may be funded under HEP and CAMP;

(b) Describe the types of services that may be provided by a project;

(c) Describe the evaluation process for grant proposals and the selection criteria that the Secretary uses in that evaluation process;

(d) Describe conditions and requirements that must be met by a grantee; and

(e) Define the eligibility requirements for students to participate in a project.



## How To Review These Proposed Regulations

These proposed regulations (34 CFR Part 206) contain only those requirements that are proposed to apply solely to HEP and CAMP. These proposed regulations do not contain certain types of general requirements that are covered in the Education Division General Administrative Regulations, which are found in 34 CFR Parts 75-77. EDGAR contains requirements that apply to all ED programs, including by incorporation the Grants Administration regulations, 34 CFR Part 74, that apply to all ED programs.

## Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments that are received on or before March 2, 1981, will be considered in developing the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Regional Office Building 3, Room 3608, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

## Information Requirements

The Department particularly requests comments on whether the program requirements in this document would require transmission of information that is already being gathered by or is available from any other agency or Department of the United States.

## Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations. References to "sec." in these citations refer to sections of the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

(Catalog of Federal Domestic Assistance No. 84.144; Migrant Education Program—High School Equivalency Program and College Assistance Migrant Program)

Dated: December 22, 1980.

Shirley M. Hufstедler,  
Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding Part 206 to read as follows:

## PART 206—SPECIAL EDUCATIONAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND OTHER SEASONAL FARMWORK—HIGH SCHOOL EQUIVALENCY PROGRAM AND COLLEGE ASSISTANCE MIGRANT PROGRAM

### Subpart A—General

#### Sec.

206.1 What are the special educational programs for students whose families are engaged in migrant and other seasonal farmwork?

206.2 Who is eligible to participate as a grantee?

206.3 What regulations apply to these programs?

206.4 What definitions apply to these programs?

206.5-206.9 [Reserved]

### Subpart B—What Kinds of Activities Does the Secretary Assist Under these Programs?

206.10 What types may be provided?

206.11-206.19 [Reserved]

### Subpart C—How Does One Apply for a Grant?

206.20 What must be included in an application?

206.21-206.29 [Reserved]

### Subpart D—How Is a Grant Made to an Applicant?

206.30 How does the Secretary evaluate an application?

206.31 What selection criteria does the Secretary use to evaluate an application?

206.32-206.39 [Reserved]

### Subpart E—What Conditions Must be Met by a Grantee?

206.40 What is the special population to be served?

206.41 What is the requirement for maintaining participant records?

206.42 What restrictions are there on expenditures?

206.43-206.49 [Reserved]

Authority: Subpart 5, Part A, of Title IV of the Higher Education Act of 1965 (Pub. L. 89-329), as amended by the Education Amendments of 1980 (Pub. L. 96-374)(20 U.S.C. 1070d-2).

### Subpart A—General

§ 206.1 What are the special educational programs for students whose families are engaged in migrant and other seasonal farmwork?

(a) The High School Equivalency Program (HEP) is designed to assist students—whose families are engaged in migrant and other seasonal farmwork—to obtain the equivalent of a secondary school diploma and to subsequently gain employment or be placed in an institution of higher education (IHE).

(b) The College Assistance Migrant Program (CAMP) is designed to assist students—whose families are engaged in migrant and other seasonal farmwork—who are enrolled on a full-time basis in the first academic year at an IHE.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

### § 206.2 Who is eligible to participate as a grantee?

An institution of higher education may apply for a grant to operate a HEP or a CAMP project.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

### § 206.3 What regulations apply to these programs?

The following regulations apply to HEP and CAMP:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (General).

(b) The regulations in this Part 206.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

### § 206.4 What definitions apply to these programs?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77 (EDGAR, General):

Applicant  
Application  
Department  
Elementary school  
Facilities  
Project  
Secondary school  
Secretary  
State

(b) *Definitions in the Grants Administration Regulations.*

The following terms used in this part are defined in 34 CFR Part 74 (Administration of Grants):

Budget  
Equipment  
Grant  
Grantee  
Supplies

(c) *Program definitions.* The following additional definitions apply specifically to the HEP and CAMP programs:

(1) "Act" means the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

(2) "Agricultural activity" means—

(i) Any activity directly related to the production of crops, dairy products, poultry, or livestock;

(ii) Any activity directly related to the cultivation or harvesting of trees; or

(iii) Any activity directly related to fish farms.

(3) "Farmwork" means any agricultural activity, performed for



either wages or personal subsistence, on a farm, ranch, or similar establishment.

(4) "Full-time," with respect to an individual, means a student who is carrying a full-time academic workload, as defined in 34 CFR Part 690 (Basic Educational Opportunity Grant Program Regulations).

(5) "Institution of higher education" means an educational institution that—

- (i) Is in a State;
- (ii) Is authorized by that State to provide a program of education beyond secondary school;
- (iii) Is a public or nonprofit institution;
- (iv) Admits as a regular student only a person who—

(A) Has a secondary school diploma;

(B) Has the recognized equivalent of a secondary school diploma; or

(C) Is beyond the age of compulsory school attendance in that State and has the ability to benefit from the training offered by the institution;

(v) Provides—

(A) An educational program for which it awards a bachelor's degree; or

(B) At least a two-year program that is acceptable for full credit toward a bachelor's degree;

(vi)(A) Is accredited by a nationally recognized accrediting agency or association;

(B) Has satisfactorily assured the Secretary that it will meet the accreditation standards of a nationally recognized accrediting agency or within a reasonable time considering the resources available to the institution, the period of time, if any, it has operated, and its effort to meet accreditation standards; or

(C) Has its credits accepted on transfer by at least three accredited institutions on the same basis as those institutions accept transfer credits from fully accredited institutions.

(6) "Migrant farmworker" means a seasonal farmworker—as defined in paragraph (c)(7) of this section—whose employment required travel such that the farmworker was unable to return to his or her domicile (permanent place of residence) within the same day.

(7) "Seasonal farmworker" means a person who, within the past 24 months, was employed for at least 100 days in farmwork, and whose primary employment was in farmwork on a temporary or seasonal basis (that is, not a constant year-round activity).

(Sec. 418A(a); 20 U.S.C. 1070d-2)

## Subpart B—What Kinds of Activities Does the Secretary Assist Under these Programs?

### § 206.10 What types of services may be provided?

(a) *General.* A grantee may use funds to support approved projects designed to provide educational and supporting services to students whose families are engaged in migrant and other seasonal farmwork.

(b) *Types of services.* (1) *HEP projects.* A HEP project may provide the following types of services to assist participants in obtaining the equivalent of a secondary school diploma and as needed to ensure the success of the participants in meeting the project's objectives and in succeeding at the secondary school level and beyond:

- (i) Recruitment services for enrolling project participants.
- (ii) Institutional services in academic subject areas such as reading, writing, oral language skills, and mathematics, and in related areas such as study skills.
- (iii) Special academic, career, and personal guidance, counseling, and testing services.
- (iv) Housing support or on-campus residential programs during the operation of the project.
- (v) Services designed to acquaint participants with the range of career options available to them—including appropriate career-oriented work study activities.
- (vi) Services designed to expose participants to academic institutions and programs, cultural events, and other activities not usually available to the participants and supportive of their intellectual, cultural, social, and personal development.
- (vii) Appropriate in-service training activities for project staff members.
- (viii) Other essential supporting services that have been approved by the Secretary as needed to ensure the success of the participants in meeting the project's objectives and in succeeding at the secondary school level and beyond.

(2) *CAMP projects.* A CAMP project may provide the following types of services to assist the participants in meeting the project's objectives and in succeeding in postsecondary school:

- (i) The services described in items (i) and (iii) through (vii), inclusive, of paragraph (b)(1) of this section.
- (ii) Tutoring and supplementary instructional services in the following areas:

(A) Basic skills.

(B) Subject areas in which the participants are enrolled.

(C) Related areas such as study skills.

(iii) Other essential supporting services that have been approved by the Secretary as needed to ensure the success of the participants in meeting the project's objectives and in completing postsecondary school.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

(iii) Other essential supporting services that have been approved by the Secretary as needed to ensure the success of the participants in meeting the project's objectives and in completing postsecondary school.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

## Subpart C—How Does One Apply for a Grant?

### § 206.20 What must be included in an application?

In applying for a grant, an applicant shall—

(a) Follow the procedures and meet the requirements stated in Subpart C of 45 CFR Part 75 (EDGAR-Direct Grant Programs); and

(b) Provide the following assurances:

(1) The grantee will develop and implement a plan for identifying, informing, and recruiting eligible participants who need the assistance provided by the project.

(2) The grantee will develop and implement a plan for identifying and using the resources of the IHE and the community to supplement and enhance the services provided by the project.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

## Subpart D—How Is a Grant Made to an Applicant?

### § 206.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under HEP or CAMP on the basis of the selection criteria listed in § 206.31 of these regulations.

(b) The Secretary awards up to 100 possible points for meeting these criteria.

(c) The maximum number of points possible for meeting each individual criterion is indicated in parentheses after the heading for that criterion.

(Sec. 418A(a); 20 U.S.C. 1221e-3(a)(1))

### § 206.31 What selection criteria does the Secretary use to evaluate an application?

(a) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows the following:

(i) High quality in the design of the project.

(ii) An effective plan of management that assures proper and efficient administration of the project.

(iii) A clear description of how the objectives of the project relate to the purpose of the program.

(iv) A clear description of the way that the applicant plans to use its



resources and personnel to achieve each objective of the project.

(v) A clear description of how the applicant will provide equal access and treatment for eligible participants who are members of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows adequate qualifications for the key personnel the applicant plans to use in the project.

(2) The Secretary looks for information that shows the following:

- (i) The qualifications of the project director (if one is to be used).
- (ii) The qualifications of each of the other key personnel to be used in the project.

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project.

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training—in fields related to the objectives of the project—as well as other information that the applicant provides.

(c) *Budget and cost-effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows the following:

- (i) The budget for the project is adequate to support the project activities.
- (ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows methods of

evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows the following:

- (i) The facilities that the applicant plans to use are adequate.
- (ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Recruitment.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the recruitment plan for the project.

(2) The Secretary looks for information that shows that the applicant has adequate plans for identifying, informing, and recruiting eligible participants who are most in need of the assistance provided by the project.

(20 U.S.C. 1221e-3(a)(1))

#### **Subpart E—What Conditions Must Be Met by a Grantee?**

**§ 206.40 What is the special population to be served?**

(a) *General.* To be eligible to participate in a HEP or CAMP project, an individual must be a migrant or other seasonally-employed farmworker (or a dependent of a migrant or other seasonally-employed farmworker), as defined in § 206.4(c) of these regulations.

(b) *Special HEP qualifications.* To be eligible to participate in a HEP project, a migrant or other seasonally-employed farmworker (or dependent) must—

- (1) Not have earned a secondary school diploma or its equivalent;
- (2) Not be currently enrolled in an elementary or secondary school;
- (3) Be above the age of compulsory school attendance in the State where the project is located; and

(4) Be determined by the grantee to need the financial and academic services provided by the project in order to attain the equivalent of a secondary school diploma.

(c) *Special CAMP qualifications.* To be eligible to participate in CAMP, a migrant or other seasonally-employed farmworker (or dependent) must—

- (1) Be enrolled as a full-time student at the IHE that is serving as the grantee;
- (2) Not be beyond the first academic year of a program of study at the participating IHE, as determined under the standards of the IHE; and
- (3) Be determined by the grantee to need the financial and academic

services provided by the project in order to complete an academic program of study at the IHE.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

**§ 206.41 What is the requirement for maintaining participant records?**

(a) *General.* A grantee shall develop and implement a system that provides accurate and accessible records on participants.

(b) *Contents.* To document the progress of each participant, each record must include at least the following:

- (1) Information used to determine the participant's eligibility, as stated in § 206.4(c) of these regulations.

(2) The criteria used to identify the participant as needing the financial and academic services provided by the project.

(3) A statement of the participant's academic needs at the time of entering into the project.

(4) A description of the individual program designed to assist the participant in meeting the project's objectives.

(5) A brief summary of the actual services the participant received including both educational and education-support services.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

**§ 206.44 What restrictions are there on expenditures?**

Funds provided under HEP or CAMP may not be used for construction of facilities or remodeling.

(Sec. 418A(a); 20 U.S.C. 1070d-2)

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#### **34 CFR Part 703**

##### **Experimental Program for Opportunities in Advanced Study and Research in Education**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to amend the regulations that apply to grants administered under the National Institute of Education's Experimental Program for Opportunities in Advanced Study and Research in Education. This amendment does not change the program objectives. The changes include revised language and format necessary to make the regulations conform with administrative directives to improve the quality of all regulations. These regulations, previously designated as Part 1430 of Title 45 CFR Chapter XIV, are now included under Title 34 CFR Chapter VII, and as revised are redesignated as Part 703.